

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

...: No. 2:12-md-02323-AB

...: MDL No. 2323

Hon. Anita B. Brody

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*
Plaintiffs,

...: CIVIL ACTION NO: 14-29

v.

National Football League and
NFL Properties, LLC,
successor-in-interest to
NFL Properties, Inc.,
Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**MOTION OF PROPOSED CO-LEAD CLASS COUNSEL, CLASS COUNSEL,
AND SUBCLASS COUNSEL FOR AN ORDER: (1) GRANTING PRELIMINARY
APPROVAL OF THE CLASS ACTION SETTLEMENT AGREEMENT; (2)
CONDITIONALLY CERTIFYING A SETTLEMENT CLASS AND SUBCLASSES;
(3) APPOINTING CO-LEAD CLASS COUNSEL, CLASS COUNSEL, AND SUBCLASS
COUNSEL; (4) APPROVING THE DISSEMINATION OF CLASS NOTICE;
(5) SCHEDULING A FAIRNESS HEARING; AND (6) STAYING CLAIMS AS TO
THE NFL PARTIES AND ENJOINING PROPOSED SETTLEMENT
CLASS MEMBERS FROM PURSUING RELATED LAWSUITS**

Plaintiffs' Proposed Co-Lead Class Counsel, Class Counsel, and Subclass Counsel move, pursuant to Federal Rules of Civil Procedure 23(a), 23(b)(3), and 23(e), for the entry of the Proposed Preliminary Approval and Class Certification Order, attached as Exhibit A. The proposed order seeks: (1) preliminary approval of the Class Action Settlement Agreement;

(2) conditional certification of the Settlement Class and Subclasses; (3) appointment of Co-Lead Class Counsel, Class Counsel, and Subclass Counsel; (4) approval of the dissemination of Class Notice; (5) scheduling of a Fairness Hearing; and (6) the stay of claims as to the NFL Parties and enjoinder of proposed Settlement Class Members from pursuing Related Lawsuits.

1. The terms of the Settlement are set forth in the Settlement Agreement, dated January 6, 2014, attached as Exhibit B.

2. The relief sought in this Motion is supported by:

a. Declaration of Katherine Kinsella, attached as Exhibit C (which includes as exhibits thereto, the proposed Long-Form Notice to Retired NFL Football Players and their Representative Claimants and Derivative Claimants, and the Summary Notice);

b. Declaration of Mediator and Former United States District Court Judge Layn R. Phillips in Support of Preliminary Approval of Settlement, attached as Exhibit D.

c. Memorandum of Law In Support of Motion of Proposed Co-Lead Class Counsel, Class Counsel, and Subclass Counsel for an Order: (1) Granting Preliminary Approval of the Class Action Settlement Agreement; (2) Conditionally Certifying a Settlement Class and Subclasses; (3) Appointing Co-Lead Class Counsel, Class Counsel, and Subclass Counsel; (4) Approving the Dissemination of Class Notice; (5) Scheduling a Fairness Hearing; and (6) Staying Claims as to the NFL Parties and Enjoining Proposed Settlement Class Members from Pursuing Related Lawsuits, filed contemporaneously herewith.

WHEREFORE, Proposed Co-Lead Class Counsel, Class Counsel, and Subclass Counsel request that the Court enter the proposed Preliminary Approval and Class Certification Order.

Dated: January 6, 2014

Respectfully Submitted:

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